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Attorneys for Creditor  
CATHAY BANK

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

IN RE:

MARTIFER AURORA SOLAR, LLC, a  
Nevada limited liability company,

☐ Affects Martifer Aurora Solar, LLC  
☐ Affects Martifer Solar USA, Inc.  
☒ Affects All Debtors

Case No. BK-S-14-10355-abl  
and BK-S-14-10357-abl

Jointly Administered under  
Case No. BK-S-14-10355-abl

Chapter 11

**DATE: OST Requested**

**TIME: OST Requested**

**EX PARTE APPLICATION FOR ORDER SHORTENING TIME TO HEAR  
SECURED CREDITOR CATHAY BANK'S CATHAY BANK'S MOTION FOR AN  
ORDER DIRECTING THE APPOINTMENT OF A CHAPTER 11 TRUSTEE IN THESE  
BANKRUPTCY CASES PURSUANT TO 11 U.S.C. § 1104(a) OR, ALTERNATIVELY,  
CONVERTING OR DISMISSING THESE BANKRUPTCY CASES TO CASES UNDER  
CHAPTER 7 OF THE BANKRUPTCY CODE PURSUANT TO 11 U.S.C. § 1112(b)**

Secured Creditor, Cathay Bank ("Bank" or "Lender"), by and through its counsel of

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record of the law firms of Frandzel Robins Bloom & Csato, L.C. and Kolesar & Leatham, hereby file this Ex Parte Application for Order Shortening Time (the "Application") to hear its Motion for an Order Directing the Appointment of a Chapter 11 Trustee in the bankruptcy cases of Martifer Aurora Solar, LLC ("Martifer Aurora"), and Martifer Solar USA, Inc. ("Martifer USA," and with Martifer Aurora, "Debtors," "Borrowers," or "Grantors"), pursuant to 11 U.S.C. § 1104(a) or, alternatively, dismissing or converting these bankruptcy cases to cases under Chapter 7 of the Bankruptcy Code pursuant to 11 U.S.C. § 1112(b) (the "Motion").

Good cause exists to shorten the hearing on the Motion given the strong evidence of fraud, dishonesty and mismanagement on the part of the Debtors' management and the Debtors' multi-million dollar losses during just the first six weeks of these cases. This Application is made and based upon Federal Rule of Bankruptcy Procedure 9006, the attached declaration of Natalie M. Cox, Esq., the attached memorandum of points and authorities, the accompanying attorney information sheet, and the papers and pleadings on file herein.

#### **DECLARATION OF NATALIE M. COX, ESQ.**

I, Natalie M. Cox, Esq. hereby declare as follows:

1. I am an attorney at law admitted to the bar of the State of Nevada and am a partner at the law firm of Kolesar & Leatham, counsel for the Secured Creditor, Cathay Bank ("Cathay"). I have personal knowledge of the facts recited herein, and I am competent to testify regarding them if called as a witness in this matter.

2. Time is of the essence to hear the Motion because there is strong evidence of fraud, dishonesty and mismanagement on the part of the Debtors' management and the Debtors' have already experienced multi-million dollar losses during just the first six weeks of these cases and have faint prospects for any improvement in their financial condition going forward. It is imperative that a chapter 11 trustee be appointed as soon as possible to make an impartial decision as to whether the potential rewards of the Debtors' continued operations outweighs the costs.

3. The U.S. Trustee's counsel, Michal Bloom, Esq., has consented to the Bank's order shortening time request, while counsel for the unsecured creditors' committee, the Debtors' parent

company, and the Debtors do not agree to the request.

4. The Bank respectfully requests a hearing on March 10, 2014 at 9:30 a.m., the date and time set for various other hearings in this matter, or the Court's first available date and time thereafter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED this 5<sup>th</sup> day of March, 2014.

/s/ Natalie M. Cox, Esq.  
**NATALIE M. COX, ESQ.**

### **LEGAL ARGUMENT**

Bankruptcy Code Section 105 provides that this Court may issue such orders as are necessary to carry out the provisions of title 11. Federal Rule of Bankruptcy Procedure 9006(c)(1) generally permits a Bankruptcy Court, for cause shown and in its discretion, to reduce the period during which any notice is given in accordance with the Bankruptcy Rules:

Except as provided in Paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of the court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.

Local Rule 9006 provides further authority for shortening the time for a hearing. According to Local Rule 9006(b), every motion for an order shortening time must be accompanied by evidence in support of the basis for the expedited hearing. The above Application, Declaration of Natalie M. Cox, Esq., and Memorandum of Points and Authorities set forth a sufficient basis and good cause to grant the Ex Parte Application for Order Shortening Time to hear the Motion. Additionally, Local Rule 9006 requires the moving party to submit an Attorney Information

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1 Sheet providing information regarding notice to, and consent by, counsel of record in the matter.  
2 The required Attorney Information Sheet has been prepared and is filed contemporaneously  
3 herewith.

4 DATED this 5<sup>th</sup> day of March, 2014.

5 **KOLESAR & LEATHAM.**

6  
7 By: /s/ Natalie M. Cox, Esq.

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